

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 28 NOV 2005

Applicant's or agent's file reference CANEEDLMAYEX	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/HU2004/000083	International filing date (day/month/year) 11.08.2004	Priority date (day/month/year) 21.08.2003
International Patent Classification (IPC) or national classification and IPC A61M5/30		
Applicant LINDMAYER, S. Istvan		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 17 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 03.08.2005	Date of completion of this report 25.11.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Reinbold, S Telephone No. +49 89 2399-7918 	

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-13 received on 03.08.2005 with letter of 01.08.2005

Claims, Numbers

1-5 received on 03.08.2005 with letter of 01.08.2005

Drawings, Sheets

1/2, 2/2 received on 03.08.2005 with letter of 01.08.2005

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
 4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	1-5
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: GB 681098
D2: WO 03066143
D3: WO 03000319
D4: US 4722728
D5: US2002055712

Novelty Article 33(2) PCT and Inventive Step Article 33(3) PCT

2. The present application does appear to meet the criteria of Article 33(1) PCT, because **the subject-matter of claims 1-5 is new and inventive** in the sense of Article 33(2) and (3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and discloses (the references in parentheses applying to this document) a. a needleless injection device comprising (figures 1-13):

- a lower part (36)
- an upper part (34)
- energy store units (90,56)
- a start unit (90)
- supplementary units (56)
- lock means (74,80)
- means for releasing the lock (76)
- a long tube of the lower part (36)

The subject-matter of claim 1 therefore differs from this known hypodermic syringe in that:

- a long tube of the lower part, with external thread, stretches into the upper part and at the bottom fits into the short internal thread of the adjoining part of the upper part

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- the lower part is attached to the upper part revolving manner, moving in a telescopic way, and results the tension state of the energy store units
- at least one start unit capable of storing minimum 60%, preferably 80-90% of the total discharge energy, with the reversible elastic distortion at max. 25%, practically 15-20% of the internal length of the agent cartridge
- the start unit is a bundle of polyurethane springs fitted inside the device in a separate case, at stretching it is joined with the mean transferring the stretching power, preferably with the lock mechanism, by a spacer, having no contact with other energy store units

The problem to be solved by the present invention may therefore be regarded as how to enable the optimal store amount of energy and to release it always at the optimal time and speed suitable.

No document of the search report discloses a such needleless injection device.

It is not evident to have to modify the needleless injection device of document D1 to solve these problems. There is no indication in the document of the search report to use the mean for stretching the springs and the start unit composed by polyurethane springs.

Therefore the subject matter of claims 1-5 is considered to meet the requirement of Article 33 (1) PCT in respect of novelty and inventive step.